

Hearing Date & Time: October 28, 2015 at 11:00 a.m. (ET)

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Proposed Counsel for Debtors and Debtors in Possession

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

33 PECK SLIP ACQUISITION LLC, *et. al.*,

Debtors.¹

Chapter 11

Case No. 15-12479

(Jointly Administered)

**NOTICE OF AGENDA OF MATTERS SCHEDULED FOR HEARING ON
OCTOBER 28, 2015 AT 11:00 A.M.**

LOCATION OF HEARING

Courtroom of the Honorable James L. Garrity, United States Bankruptcy Court,
Southern District of New York, One Bowling Green, Courtroom 601, New York,
NY 10004

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: 33 Peck Slip Acquisition LLC (3412), 52 West 13th P, LLC (4970), 36 West 38th Street, LLC (6842), and Gemini 37 West 24th Street MT, LLC (4143).

I. UNCONTESTED MATTERS

**1. HEARING ON APPLICATION OF DEBTORS FOR ORDER
AUTHORIZING THE EMPLOYMENT AND RETENTION OF ROBINS
KAPLAN LLP AS BANKRUPTCY COUNSEL EFFECTIVE AS OF THE
PETITION DATE**

Debtors	Docket No.	Date Filed
33 Peck Slip Acquisition LLC, et al. (Case No. 15-12479) Jointly Administered	94	10/14/15

Responses

None

Related Documents

- A. Supplemental Declaration of Scott F. Gautier in Support of Application of Debtors for Order Authorizing the Employment and Retention of Robins Kaplan LLP as Bankruptcy Counsel Effective as of the Petition Date
[Docket No. 108 filed 10/20/2015]

Status: This matter is going forward.

II. CONTESTED MATTERS

**2. HEARING ON MOTIONS FOR ORDERS (A) AUTHORIZING USE OF
CASH COLLATERAL, (B) AUTHORIZING ADEQUATE PROTECTION,
AND (C) GRANTING OTHER RELIEF**

Motion

Debtors	Docket No.	Date Filed
33 Peck Slip Acquisition LLC (Case No. 15-12479)	9	9/4/15
36 West 38th Street LLC (Case No. 15-12480)	7	9/4/15
Gemini 37 West 24th Street MT, LLC (Case No. 15-12481)	9	9/4/15
52 West 13th P, LLC (Case No. 15-12482)	9	9/4/15

Responses

- A. Cornerstone Lenders' Reservation Of Rights With Respect To Debtors' Motions For Final Orders Under 11 U.S.C. §§105, 361, and 363 (A) Authorizing Use of Cash Collateral, (B) Authorizing Adequate Protection, Including Monthly Payments To Lender, And (C) Granting Other Relief
[Docket No. 58-filed September 30, 2015]

- B. Omnibus Response, Limited Objection And Reservation of Rights Of UBS Lenders To Debtors' Motions (1) to Use Cash Collateral, (2) Sell Assets on Which the UBS Lenders Have Liens, and (3) Approve Disclosure Document And Establish Procedures For Approval Of Plan of Reorganization [Docket No. 71-filed October 2, 2015]
- C. Second Interim Order for 33 Peck Slip Acquisition LLC (A) Authorizing Use of Cash Collateral, (B) Authorizing Adequate Protection, Including Monthly Payments to Lender, and (C) Granting Other Relief [Docket No. 99]
- D. Second Interim Order for 52 West 13th P, LLC (A) Authorizing Use of Cash Collateral, (B) Authorizing Adequate Protection, Including Monthly Payments to Lender, and (C) Granting Other Relief [Docket No. 35 - entered 10/16/2015]
- E. Second Interim Order for 37 West 24th Street MT, LLC (A) Authorizing Use of Cash Collateral, (B) Authorizing Adequate Protection, Including Monthly Payments to Lender, and (C) Granting Other Relief [Docket No. 43 - entered 10/16/2015]
- F. Second Interim Order for 36 West 38th Street LLC (A) Authorizing Use of Cash Collateral, (B) Authorizing Adequate Protection, Including Monthly Payments to Lender, and (C) Granting Other Relief [Docket No. 30 - entered 10/16/2015]

Status: The matter is going forward. The Debtors hope to lodge proposed forms of final orders prior to the hearing or present proposed forms of final orders at the hearing. In the alternative, the Debtors may request continued use of cash collateral on a third interim basis.

3. HEARING ON APPLICATION FOR ENTRY OF ORDER AUTHORIZING THE DEBTORS TO EMPLOY ROBERTDOUGLAS AS REAL ESTATE ADVISOR PURSUANT TO SECTIONS 327 AND 328 OF THE BANKRUPTCY CODE AND RULE 2014 OF THE FEDERAL RULES OF BANKRUPTCY PROCEDURE NUNC PRO TUNC TO THE PETITION DATE

Motion

Debtors	Docket No.	Date Filed
33 Peck Slip Acquisition LLC, et al (Case No. 15-12479)	88	10/7/15

Responses/Related Documents

- A. Amended Notice of Application for Entry of Order Authorizing the Debtors to Employ RobertDouglas as Real Estate Advisor Pursuant to Sections 327 and 328 of the Bankruptcy Code and Rule 2014 of the Federal Rules of Bankruptcy Procedure Nunc Pro Tunc to the Petition Date [Docket No. 92 filed 10/12/2015]
- B. Supplemental Declaration of Douglas Hercher in Support of Application for Entry of Order Authorizing the Debtors to Employ RobertDouglas as Real Estate Advisor Pursuant to Sections 327 and 328 of the Bankruptcy Code and Rule 2014 of the Federal Rules of Bankruptcy Procedure Effective As Of The Petition Date [Docket No. 95 filed 10/14/2015]
- C. Supplemental Declaration of Christopher La Mack in Support of Application for Entry of Order Authorizing the Debtors to Employ RobertDouglas as Real Estate Advisor Pursuant to Sections 327 and 328 of the Bankruptcy Code and Rule 2014 of the Federal Rules of Bankruptcy Procedure Effective as of the Petition Date [Docket No. 96 filed 10/14/2015]
- D. Cornerstone Lenders' Limited Objection and Reservation of Rights in Response to Application for Entry of An Order Authorizing the Debtors to Employ RobertDouglas as Real Estate Advisor Pursuant to Sections 327 and 328 of the Bankruptcy Code and Rule 2014 of the Federal Rules of Bankruptcy Procedure Nunc Pro Tunc to the Petition Date [Docket 110 filed 10/21/15]
- E. William T. Obeid's Objection to Application for Entry of Order Authorizing the Debtors to Employ RobertDouglas as Real Estate Advisor Pursuant to Sections 327 and 328 of the Bankruptcy Code and Rule 2014 of the Federal Rules of Bankruptcy Procedure Nunc Pro Tunc to the Petition Date [Docket 106 filed 10/20/15]
- F. Declaration of Alexander D. Pencu [Docket No. 105 filed 10/20/2015]
- G. Declaration of Remy J. Stocks [Docket No. 107 filed 10/20/2015]
- H. Debtors' Reply in Support of Application for Entry of Order Authorizing the Debtors to Employ RobertDouglas as Real Estate Advisor Pursuant to Sections 327 and 328 of the Bankruptcy Code and Rule 2014 of the Federal Rules of Bankruptcy Procedure Nunc Pro Tunc to the Petition Date [Docket No. 115 filed 10/23/15]
- I. Declaration of Christopher F. La Mack in Support of Debtors' Reply in Support of Application for Entry of Order Authorizing the Debtors to

Employ RobertDouglas as Real Estate Advisors [Docket No. 119 filed 10/23/2015]

- J. Evidentiary Objections to Declaration of Alexander D. Pencu [Docket No. 117 filed 10/23/2015]
- K. Evidentiary Objections to Declaration of Remy J. Stocks [Docket No. 116 filed 10/23/2015]
- L. Objection of the United States Trustee to the Debtors' Application for Entry of Order Authorizing the Debtors to Employ RobertDouglas as Real Estate Advisor Pursuant to Sections 327 and 328 of the Bankruptcy Code and Rule 2014 of the Federal Rules of Bankruptcy Procedure Nunc Pro Tunc to the Petition Date [Docket No. 120 filed 10/26/2015]

Status: This matter is going forward.

- 4. **STATUS CONFERENCE REGARDING GEMINI 37 WEST 24TH STREET MT, LLC AND 52 WEST 13TH P, LLC'S MOTION FOR ORDERS PURSUANT TO SECTIONS 105(A), 363, AND 365 OF THE BANKRUPTCY CODE AND BANKRUPTCY RULES 6004 AND 6006 APPROVING (I) SALE PROCEDURES AND NOTICE OF THE AUCTION RELATING THERETO, (II) THE STALKING HORSE PURCHASE AGREEMENT, (III) SALE OF CERTAIN REAL PROPERTY FREE AND CLEAR OF LIENS, CLAIMS, INTERESTS OR ENCUMBRANCES, AND (IV) GRANTING RELATED RELIEF**

Motions and Related Documents

Debtor	Docket Nos.	Date Filed
Gemini 37 West 24th Street MT, LLC (Case No. 15-12481)	Sale Procedures Motion – Docket No. 20	9/8/15
	Executed PSA – Docket No. 31 (9/11/15)	9/11/15
	Amended Notice of Hearing – Docket No. 35	Served 9/25/15
52 West 13th P, LLC (Case No. 15-12482)	Sale Procedures Motion – Docket No. 20	9/8/15
	Executed PSA – Docket No. 31	9/11/15

Responses

- A. Combined Protective Objections and Responses to Debtors' Motion for Order Pursuant to Sections 105(a), 363, and 365 of the Bankruptcy Code and Bankruptcy Rules 6004 and 6006 Approving (I) Sale Procedures and Notice of the Auction Relating Thereto, (II) the Stalking Horse Purchase Agreement, (III) Sale of Certain Real Property to Bridgeton Acquisitions,

LLC or a Party Making a Higher or Better Offer, Free and Clear of Liens, Claims, Interests or Encumbrances, and Motion for an Order Setting a Plan Confirmation Schedule, and Related Relief [Docket No. 64-filed September 30, 2015]

- B. Notice of Correction to Docket No. 64 [Docket No. 70-filed October 1, 2015]
- C. William T. Obeid's Objections to Debtors' Motion for Order Pursuant to Sections 105(a), 363, and 365 of the Bankruptcy Code and Bankruptcy Rules 6004 and 6006 Approving (I) Sale Procedures and Notice of the Auction Relating Thereto, (II) the Stalking Horse Purchase Agreement, (III) Sale of Certain Real Property to Bridgeton Acquisitions, LLC or a Party Making a Higher or Better Offer, Free and Clear of Liens, Claims, Interests or Encumbrances, and Motion for an Order Setting a Plan Confirmation Schedule, and Related Relief [Docket No. 66-filed September 30, 2015]
- D. William T. Obeid's Objections to Debtors' Motion for Order Pursuant to Sections 105(a), 363, and 365 of the Bankruptcy Code and Bankruptcy Rules 6004 and 6006 Approving (I) Sale Procedures and Notice of the Auction Relating Thereto, (II) the Stalking Horse Purchase Agreement, (III) Sale of Certain Real Property to Bridgeton Acquisitions, LLC or a Party Making a Higher or Better Offer, Free and Clear of Liens, Claims, Interests or Encumbrances, and Motion for an Order Setting a Plan Confirmation Schedule, and Related Relief [Docket No. 68-filed September 30, 2015]
- E. Declaration of William T. Obeid in Support of Objections to Debtors' Motion for Order Pursuant to Sections 105(a), 363, and 365 of the Bankruptcy Code and Bankruptcy Rules 6004 and 6006 Approving (I) Sale Procedures and Notice of the Auction Relating Thereto, (II) the Stalking Horse Purchase Agreement, (III) Sale of Certain Real Property to Bridgeton Acquisitions, LLC or a Party Making a Higher or Better Offer, Free and Clear of Liens, Claims, Interests or Encumbrances, and Motion for an Order Setting a Plan Confirmation Schedule, and Related Relief [Docket No. 63-filed September 30, 2015]
- F. Declaration of Alexander D. Pencu [Docket No. 62-filed September 30, 2015]
- G. Declaration of Stephen B. Meister [Docket No. 65-filed September 30, 2015]
- H. Declaration of Remy J. Stocks [Docket No. 67-filed September 30, 2015]
- I. Exhibits 1 through 15 to Declaration of Stephan B. Meister Filed Under Seal [Docket No. 73-filed October 5, 2015]

- J. Notice of Erratum Regarding Exhibit 27 to the Declaration of Stephen B. Meister [Docket No. 74-filed October 5, 2015]
- K. Debtors' Omnibus Reply to Objections to Motion for Orders Pursuant to Sections 105(a), 363, and 365 of the Bankruptcy Code and Bankruptcy Rules 6005 and 6006 Approving (I) Sale Procedures and Notice of the Auction Relating Thereto, (II) the Stalking Horse Purchase Agreement, (III) Sale of Certain Real Property, and (IV) Granting Related Relief [Docket No. 81-filed October 5, 2015]
- L. Supplemental Declaration of Christopher La Mack in Support of Debtors' Omnibus Reply to Objections to Motion for Orders Pursuant to Sections 105(a), 363, and 365 of the Bankruptcy Code and Bankruptcy Rules 6004 and 6006 Approving (I) Sale Procedures and Notice of the Auction Relating Thereto, (II) The Stalking Horse [Docket No. 79-filed October 5, 2015]
- M. Declaration of Atit Jariwala In Support of Debtors' Omnibus Reply To Objections To Motion For Orders Pursuant to Sections 105(a), 363, And 365 Of The Bankruptcy Code And Bankruptcy Rules 6004 And 6006 Approving (I) Sale Procedures And Notice of the Auction Relating thereto, (II) The Stalking Horse Purchase Agreement, (III) Sale of Certain Real Property, and (IV) Granting Related Relief [Docket No. 80-filed October 5, 2015]
- N. Supplemental Declaration Of Douglas Hercher In Support Of Debtors' Omnibus Reply To Objections To Motion For Orders Pursuant To Sections 105(a), 363, And 365 Of The Bankruptcy Code And Bankruptcy Rules 6004 And 6006 Approving (I) Sale Procedures And Notice Of The Auction Relating Thereto, (II) The Stalking Horse Purchase Agreement, (III) Sale Of Certain Real Property, And (IV) Granting Related Relief [Docket No. 83 – filed October 6, 2016]
- O. Evidentiary Objections to Declaration of Stephen B. Meister [Docket No. 75-filed October 5, 2015]
- P. Evidentiary Objections to Declaration of Alexander D. Pencu [Docket No. 76-filed October 5, 2015]
- Q. Evidentiary Objections to Declaration of Remy J. Stocks [Docket No. 77-filed October 5, 2015]
- R. Evidentiary Objections to Declaration of William T. Obeid [Docket N. 82-filed October 5, 2015]
- S. Request For Judicial Notice In Support Of Debtors' Omnibus Reply To Objections To Motion For Orders Pursuant To Sections 105(A), 363, And 365 Of The Bankruptcy Code And Bankruptcy Rules 6004 And

6006 Approving (I) Sale Procedures And Notice Of The Auction Relating Thereto, (II) The Stalking Horse Purchase Agreement, (III) Sale Of Certain Real Property, And (Iv) Granting Related Relief [Docket No. 84 – filed October 6, 2015]

- T. Response of Wyndham Hotels and Resorts, LLC to Debtors’ Motions for Approval of Bid Procedures for Sale of Hotel [Incorrectly filed on Docket of Case No. 15-12481, Docket No. 37 – filed September 30, 2015]
- U. Declaration of Stephen B. Meister [Docket No. 109 filed 10/21/15]
- V. Evidentiary Objections to Supplemental Declaration of Stephen B. Meister [Docket No. 118 filed 10/23/2015]

Status: This matter is going forward as a status conference.

Dated: New York, New York
October 27, 2015

Respectfully Submitted,

ROBINS KAPLAN LLP

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CERTIFICATE OF SERVICE

THIS IS TO CERTIFY that the foregoing document was electronically filed with this Court on this 27th day of October, 2015 and served through the Court's CM/ECF system upon all registered electronic filers, or by mail upon anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF System.

By: /s/ David B. Shemano
David B. Shemano